

DETAILED ACTION

Acknowledgements

1. Applicants' remarks filed 24 May 2010 are acknowledged.
2. Claims 44-45, 47-59, and 80-81 are pending.
3. Claims 44-45, 47-59, and 80-81 have been examined and are allowed.

Reasons for Allowance

4. The following is the Examiner's statement of reasons for allowance:
5. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-14 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, . . . the inventor's lexicography must prevail . . ." *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.
6. Independent **claim 44** now recites in particular:
entering into a stored file the date, time of day and identity of the designated machine for each use of the software; and
examining validity of the software license during each shut-down of the machine by comparing the date, time of day and the identity of the designated machine for each use of the software with the stored file

7. The best available prior art is the combination of U.S. Publication No. 2004/0205261 to Osada in view of U.S. Patent No. 6,708,157 to Stefik et al., hereinafter referred to as Stefik, in further view of U.S. Patent No. 6,816,842 to Singh et al., hereinafter referred to as Singh.

8. The following statements are discussed in the final rejection mailed 20 July 2009 labeled Paper No. 20090711 (particularly claim 44), and the non-final rejection mailed 18 March 2010 labeled Paper No. 20100301 (particularly claim 1 regarding Singh), which are both hereby incorporated by reference.

9. Osada discloses the remainder of claim 44 but does not explicitly disclose prepaid or “entering into a stored file the date, time of day and identity of the designated machine for each use of the software; and examining validity of the software license during each shut-down of the machine by comparing the date, time of day and the identity of the designated machine for each use of the software with the stored file.”

10. Stefik teaches prepaid.

11. Singh teaches checking validity ([col. 11, ll. 6-23]).

12. However, Singh does not teach checking or examining validity by “comparing the date, time of day and the identity of the designated machine for each use of the software” using the “stored file” containing the same. Additionally, Osada and Stefik do not cure this deficiency.

13. Furthermore, no prior art of record cures this deficiency of the cited references. No prior art as of the priority date teaches examining validity by “comparing the date, time of day and the identity of the designated machine for each use of the software” using the “stored file” containing the same.

14. Moreover, even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include these missing elements because a person of ordinary skill in the art would have been satisfied by simply comparing the identity of the designated machine and at most comparing both the date and identity. A person having ordinary skill in the art would not have found it necessary to store and compare all three data fields as claimed.

15. In particular, the patentable subject matter is “examining validity of the software license during each shut-down of the machine by comparing the date, time of day and the identity of the designated machine for each use of the software with the stored file” wherein the stored file had entered “the date, time of day and identity of the designated machine for each use of the software.”

16. Because all claims depend from claim 44 discussed above, all examined claims are allowable.

Conclusion

17. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

18. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to C. Aaron McIntyre whose telephone number is (571) 270-5401. The Examiner can normally be reached on Monday to Thursday 9-6 ET.

19. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. M./
Examiner, Art Unit 3621
June 4, 2010

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621